



English Nature

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Mr A Pegram
Isle of Wight Council
Council Offices
Seaclose
Fairlee Road
NEWPORT
PO30 2QS

Your Ref: P/01400/06-TCP/27774

Our Ref: SU38.8/HI/WELL.WINDFARM

29 September 2006

Dear Mr Pegram

PROSPECT QUARRY SSSI/NEWTOWN HARBOUR SSSI/COMPTON DOWN SSSI/YAR ESTUARY SSSI/BOULDOR AND HAMSTEAD CLIFFS SSSI/CRANMORE SSSI/COMPTON CHINE TO STEEPHILL COVE SSSI/MOTTISTONE DOWN SSSI/FRESHWATER MARSHES SSSI/CALBOURNE DOWN SSSI/NORTH COPSE DOWN SSSI/NORTH PARK COPSE SSSI/HEADON WARREN & WEST HIGH DOWN SSSI/COLWELL BAY SSSI/ROWRIDGE VALLEY SSSI/LOCKS FARM MEADOW SSSI/LACEY'S FARM QUARRY SSSI/THE NEW FOREST SSSI/NORTH SOLENT SSSI/HURST CASTLE TO LYMINGTON RIVER ESTUARY SSSI/HYTHE TO CALSHOT MARSHES SSSI SOLENT AND SOUTHAMPTON WATER SPA/Ramsar/THE NEW FOREST SPA/Ramsar/ISLE OF WIGHT DOWNS SAC/SOLENT MARITIME SAC

Proposed wind turbine generating station comprising 4 turbines 59m hub height & 100m overall height (tip height) and 2 turbines 68.5m hub height & 109.5m overall height (tip height) (total of 6 turbines), with associated infrastructure to include 59m high (approx) meteorological mast, crane pads, switching station, underground cables, temporary construction compound, parking bay and new access off Broad Lane. Land south of Wellow/east of Holmfield Avenue, west of Stoneovers and off, broad Lane, Shalcombe, Yarmouth.

Thank you for your letter of 08 September 2006, requesting English Nature's comments on the Environmental Statement Addendum for the above planning application.

English Nature had previously objected to the above application for the following reasons:

Assessment under the Conservation (Natural Habitats &c.) Regulations 1994

- Golden plover, which form part of the regular wintering assemblage of the Solent and Southampton Water SPA/Ramsar site, are likely to be significantly affected by the proposed development.
- The Environmental Statement had not adequately assessed the potential impact of the proposed development on the migrating birds, such as honey buzzards, which are interest features of The New Forest SPA
- English Nature advised that in light of the above the proposed development is likely to have a significant effect on the interest features of the Solent and Southampton Water and The New Forest SPA/Ramsar sites and require an **appropriate assessment** in accordance with Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994.

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Advice under S28I of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)

- PPS 9 states that “where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted”.
- The information within the appropriate assessment will help us to assess whether golden plover as an interest feature of Newtown Harbour SSSI are likely to be adversely affected by the proposed development, therefore English Nature objected pending the outcome of the appropriate assessment.

Protected Species

- **Bats:** English Nature was not satisfied with the level of survey used to reach the conclusions of the Environmental Statement and advised the Isle of Wight Council that bat activity surveys around the site should be undertaken to validate the conclusions of the Environmental Statement.
- **Dormice & Red Squirrels:** English Nature considered that there was inadequate discussion within the ES about the impacts of the permanent access track, which will fragment the linkage between the copses, and any disturbance which may occur during construction.

The Environmental Statement Addendum has alleviated the following objections:

Assessment under the Conservation (Natural Habitats &c.) Regulations 1994

English Nature is satisfied from the information contained within the Environmental Statement Addendum (Section 9.18 – 9.79) that migrating birds, particularly the honey buzzard are unlikely to be significantly affected by the proposals. Therefore English Nature no longer considers that an appropriate assessment is required to be undertaken for the migratory bird species that are cited as interest features of The New Forest SPA.

Protected Species

Dormice & Red Squirrels: English Nature is satisfied that the mitigation described within Sections 15.2 - 15.9 of the Environmental Statement Addendum has alleviated our concerns in relation to the impacts of the permanent access track, which would fragment the linkage between the copses. However, we would still require a detailed works methodology in order to eliminate our concerns regarding potential disturbance during construction to both dormice and red squirrels.

However, **English Nature’s objection remains** for the following reasons:

Assessment under the Conservation (Natural Habitats &c.) Regulations 1994

English Nature is still concerned that golden plover, which form part of the regular wintering assemblage of the Solent and Southampton Water SPA/Ramsar site, are likely to be significantly affected by the proposed development.

Therefore English Nature still considers that the proposed development, will require an **appropriate assessment** in accordance with Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994.

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Golden plover are part of Newtown Harbour SSSI's contribution to the Solent and Southampton Water SPA over-wintering assemblage, which is an internationally important assemblage. Therefore although not important in its own right the golden plover utilising the application site contribute an important part of the over-wintering assemblage at Newtown Harbour, which in turn forms an important part of the Solent and Southampton Water SPA over-wintering assemblage.

We would therefore advise the Isle of Wight Council that the appropriate assessment should consider golden plover utilising the application site,

- as part of the whole Solent and Southampton Water SPA assemblage,
- as they contribute to the Solent and Southampton Water SPA population of golden plover,
- and also in the context of the Newtown Harbour population.

The appropriate assessment should consider the following impacts in the above context:

- loss of habitat
- displacement of birds as a result of disturbance
- potential mortality through collisions

Advice under S28I of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)

The information within the appropriate assessment will help us to assess whether Newtown Harbour SSSI is likely to be adversely affected by the proposed development, therefore English Nature still objects pending the outcome of the appropriate assessment.

I draw your attention to the duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.

I also draw your attention to the provisions of S28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to English Nature's advice or to the conditions which English Nature recommends should be attached to the permission, then you must ensure that:

-notification is given to English Nature of the date and terms of the permission and how, if at all, you have taken account of English Nature's advice.

-the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of English Nature's advice, has been given to English Nature.'

Protected Species

Bats: English Nature is still awaiting the results of the bat activity survey. Without this survey English Nature is unable to assess the impacts of the proposals on bats. Once this has been assessed, the applicant will need to consider the mitigation and compensation required.

Should the applicant have any queries as to what is required, we recommend that they download a copy of the 'Bat Mitigation Guidelines' for the publications section of our website www.english-nature.org.uk.

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PPS 9 key principles state that ‘planning decisions should aim to maintain and enhance, restore or add to the biodiversity conservation interests, and in taking these decisions, local planning authorities should ensure the appropriate weight is attached to protected species.’

In addition Paragraph 98 of the Government Circular states that ‘ the presence of protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.’

Local planning authorities cannot consider protected species issues properly without adequate information. Surveys and mitigation strategies should **not** be made a requirement of a planning condition or be undertaken after permission has been granted. English Nature therefore **objects** pending this additional information, after which we should be able to comment further.

Natural England

As of 2 October 2006 English Nature, the Rural Development Service (RDS) and part of the Countryside Agency will be merged to establish an integrated Agency – Natural England. Natural England will have a broad environmental remit set in the sustainable development context. In preparation for the move, English Nature is taking the lead on biodiversity and nature conservation planning issues, whilst the Countryside Agency has focused its planning activity on landscape, access and recreation (LAR).

Please contact me if you wish to discuss my comments further.

Yours sincerely



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